

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ARTISAN ESTATE HOMES, LLC,	:	Case No. 1:19-cv-566
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
HENSLEY CUSTOM BUILDING	:	
GROUP, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER OF DISMISSAL

This matter is before the Court on the Joint Motion for the Dismissal of all Claims between Plaintiff Artisan Estate Homes, LLC (“Artisan”) and Studer Residential Designs, Inc., Michael A. Studer, Paul Studer and Michael Frimming (the “Studer Defendants”). (Doc. 106). The motion is unopposed by all other remaining parties, Hensley Custom Building Group, LLC, Timothy R. Hensley, and John Hensley (the “Hensley Defendants”). The motion (Doc. 106) is well-taken and **GRANTED**.¹

IT IS HEREBY ORDERED that all claims between Artisan and the Studer Defendants are DISMISSED WITH PREJUDICE. This includes all claims asserted by

¹ The parties move for dismissal pursuant to Federal Rule of Civil Procedure 41. However, the Sixth Circuit interprets Rule 41 as permitting a plaintiff to dismiss only the entire action, not individual claims or parties. *See Philip Carey Mfg. Co. v. Taylor*, 286 F.2d 782, 785 (6th Cir. 1961); *United States ex rel. Doe v. Preferred Care, Inc.*, 326 F.R.D. 462, 464 (E.D. Ky. 2018) (collecting in-circuit district court cases treating Rule 41(a) as applying only to entire actions). Thus, the Court construes the motion as one brought pursuant to Rule 21, which rule contemplates dismissal of some, but not all, claims and parties. And, given that the Hensley Defendants do not oppose dismissing the Studer Defendants and that Artisan and the Studer Defendants have reached a settlement, the Court finds just terms to drop the Studer Defendants as parties and dismiss all claims between Artisan and the Studer Defendants.

Artisan against the Studer Defendants in its Amended Complaint filed in this matter and all claims asserted by the Studer Defendants in their Counterclaim against Artisan.

Artisan and the Studer Defendants shall bear their own attorneys' fees and costs specifically incurred in the prosecution and defense of the claims asserted against each other. This Order shall not affect any claims made or to be made by Artisan or the Studer Defendants against the remaining Hensley Defendants, including those for attorneys' fees and costs.

Date: 6/6/2023

s/Timothy S. Black
Timothy S. Black
United States District Judge